



House of Representatives

General Assembly

File No. 149

January Session, 2009

House Bill No. 5277

House of Representatives, March 24, 2009

The Committee on Environment reported through REP. ROY, R. of the 119th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE INVASIVE PLANT COUNCIL.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-84 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 (a) The director of the Connecticut Agricultural Experiment Station
4 shall have charge of all matters pertaining to official control,
5 suppression or extermination of insects or diseases which are, or
6 threaten to become, serious pests of plants of economic importance. He
7 shall receive no additional compensation for such work, and may
8 designate members of the station staff to carry out certain lines thereof
9 and may employ such other assistance as may be required. Said
10 director may: [cooperate] (1) Cooperate with the agents of the United
11 States Department of Agriculture in the control of plant pests; [may]
12 (2) make regulations and orders regarding the destruction or treatment
13 of infested plants; [may] (3) seize, treat, disinfect or destroy any plants
14 or plant material moved in violation of any quarantine or regulation

15 established under the provisions of this section or suspected of being
16 infested by any dangerous insect pest or plant disease; [may] (4)
17 prohibit or regulate the transportation of plants and plant materials,
18 brick, stone and quarry products or any other objects or materials
19 liable to carry dangerous pests and may designate certain areas or
20 districts wherein all such plants may be destroyed; [. Said director is
21 authorized to promulgate, and to] (5) adopt, and enforce by
22 appropriate regulations, a quarantine prohibiting or restricting the
23 transportation of any class of nursery stock, plant, fruit, seed or other
24 article capable of carrying any dangerous plant disease or insect
25 infestation, with reference to which the Secretary of Agriculture of the
26 United States has not determined that a quarantine is necessary and
27 established such quarantine, into or through this state or any portion
28 thereof from any other state, the District of Columbia or any part of
29 such state or said district in which said director finds such plant
30 disease or insect infestation to exist; [. Said director is authorized to
31 make] (6) adopt regulations for the seizure, inspection, disinfection,
32 destruction or other disposition of any nursery stock, plant, fruit, seed
33 or other article capable of carrying any dangerous plant disease or
34 insect infestation, a quarantine with respect to which has been
35 established by the Secretary of Agriculture of the United States, and
36 which have been transported to, into or through this state in violation
37 of such quarantine; [. Said director may] (7) inspect nurseries and
38 nursery stock, as defined in section 22-97, for any violation of the
39 provisions of section 22a-381d, as amended by this act; and (8)
40 establish and maintain a quarantine against any premises, district,
41 town or group of towns in this state, provided, before any quarantine
42 is established within the state, a public hearing shall be held, of which
43 five days' notice shall be given to the parties affected, either by mail or
44 by publishing such notice in two newspapers having a circulation in
45 the part of the state affected by such quarantine. [Said]

46 (b) The director or [any person authorized by him to enforce the
47 provisions of this section] a designee may, at any reasonable time,
48 enter any public or private premises [in the performance of his duty] to
49 enforce the provisions of this section. Any person aggrieved by any

50 order of quarantine issued under the provisions of this section may
51 appeal to the Superior Court, or to any judge thereof if said court is not
52 in session, and said court or such judge may grant such relief or issue
53 such order or judgment in the premises as to equity may appertain.

54 (c) Any person interfering with [any person] the director or the
55 director's designee in the performance of [his] said director's duty
56 under the provisions of this section or violating any quarantine or any
57 regulation established under [said] the provisions of this section shall
58 be fined not less than five dollars [nor] or more than one hundred
59 dollars.

60 Sec. 2. Subsection (e) of section 22-344 of the general statutes is
61 repealed and the following is substituted in lieu thereof (*Effective July*
62 *1, 2009*):

63 (e) The commissioner may, at any time, inspect or cause to be
64 inspected by [his] the commissioner's agents any such commercial
65 kennel, pet shop, grooming facility or training facility, and if, (1) in
66 [his] the commissioner's judgment such kennel, pet shop, grooming
67 facility or training facility is not being maintained in a sanitary and
68 humane manner or in a manner that protects the public safety, [or if
69 he] (2) the commissioner finds that contagious, infectious or
70 communicable disease or other unsatisfactory conditions exist, [he] or
71 (3) in the case of a pet shop, the commissioner finds any violation of
72 the provisions of section 22a-381d, as amended by this act, the
73 commissioner may issue such orders as [he] the commissioner deems
74 necessary for the correction of such conditions and may quarantine the
75 premises and animals. If the owner or keeper of such kennel, pet shop,
76 grooming facility or training facility fails to comply with the
77 regulations or orders of the commissioner, or fails to comply with any
78 provision of the statutes or regulations relating to dogs or other
79 animals, the commissioner may revoke or suspend such license. Any
80 person aggrieved by any order issued under the provisions of this
81 section may appeal therefrom in accordance with the provisions of
82 section 4-183. Any person maintaining any commercial kennel, pet

83 shop, grooming facility or training facility without having obtained a
84 license for the same or after any such license has been revoked or
85 suspended as provided herein shall be fined not more than two
86 hundred dollars. The provisions of this section shall not apply to
87 veterinary hospitals, except those boarding or grooming dogs for
88 nonmedical purposes, and other establishments where all the dogs or
89 animals were born and raised on the premises where they are kept for
90 sale.

91 Sec. 3. Section 22a-381d of the general statutes is repealed and the
92 following is substituted in lieu thereof (*Effective July 1, 2009*):

93 (a) Notwithstanding the provisions of any ordinance adopted by a
94 municipality, no person shall [import,] move, except for eradication,
95 research or educational purposes, shall import, sell, purchase,
96 transplant [,] or cultivate, except for research purposes, or shall
97 distribute any of the following invasive plants: (1) Curly leaved
98 Pondweed (*Potamogeton crispus*); (2) fanwort (*Cabomba caroliniana*);
99 (3) eurasian water milfoil (*Myriophyllum spicatum*); (4) variable water
100 milfoil (*Myriophyllum heterophyllum*); (5) water chestnut (*Trapa*
101 *natans*); (6) egeria (*Egeria densa*); (7) hydrilla (*Hydrilla verticillata*); (8)
102 common barberry (*Berberis vulgaris*); (9) autumn olive (*Elaeagnus*
103 *umbellata*); (10) Bell's honeysuckle (*Lonicera xbella*); (11) amur
104 honeysuckle (*Lonicera maackii*); (12) Morrow's honeysuckle (*Lonicera*
105 *morrowii*); (13) common buckthorn (*Rhamnus cathartica*); (14)
106 multiflora rose (*Rosa multiflora*); (15) Oriental bittersweet (*Celastrus*
107 *orbiculatus*); (16) garlic mustard (*Alliaria petiolata*); (17) narrowleaf
108 bittercress (*Cardamine impatiens*); (18) spotted knapweed (*Centaurea*
109 *biebersteinii*); (19) black swallow-wort (*Cynanchum louiseae*); (20) pale
110 swallow-wort (*Cynanchum rossicum*); (21) leafy spurge (*Euphorbia*
111 *esula*); (22) Dame's rocket (*Hesperis matronalis*); (23) perennial
112 pepperweed (*Lepidium latifolium*); (24) Japanese knotweed
113 (*Polygonum cuspidatum*); (25) mile-a-minute vine (*Polygonum*
114 *perfoliatum*); (26) fig buttercup (*Ranunculus ficaria*); (27) coltsfoot
115 (*Tussilago farfara*); (28) Japanese stilt grass (*Microstegium vimineum*);
116 (29) common reed (*Phragmites australis*); (30) sycamore maple (*Acer*

117 pseudoplatanus); (31) princess tree (*Paulownia tomentosa*); (32) white
118 poplar (*Populus alba*); (33) false indigo (*Amorpha fruticosa*); (34)
119 Russian olive (*Eleagnus angustifolia*); (35) wineberry (*Rubus*
120 *phoenicolasius*); (36) kudzu (*Pueraria montana*); (37) Canada thistle
121 (*Cirsium arvense*); (38) jimsonweed (*Datura stramonium*); (39) crested
122 late-summer mint (*Elsholtzia ciliata*); (40) Cypress spurge (*Euphorbia*
123 *cyparissias*); (41) slender snake cotton (*Froelichia gracilis*); (42) ground
124 ivy (*Glechoma hederacea*); (43) giant hogweed (*Heracleum*
125 *mantegazzianum*); (44) Japanese hops (*Humulus japonicus*); (45)
126 ornamental jewelweed (*Impatiens glanulifera*); (46) common kochia
127 (*Kochia scoparia*); (47) ragged robin (*Lychnis flos-cuculi*); (48) Scotch
128 thistle (*Onopordum acanthium*); (49) bristle knotweed (*Polygonum*
129 *caespitosum*); (50) giant knotweed (*Polygonum sachalinense*); (51)
130 sheep sorrel (*Rumex acetosella*); (52) ragwort (*Senecio jacobaea*); (53)
131 cup plant (*Silphium perfoliatum*); (54) bittersweet nightshade
132 (*Solanum dulcamara*); (55) garden heliotrope (*Valeriana officinalis*);
133 (56) hairy jointgrass (*Arthraxon hispidus*); (57) drooping brome-grass
134 (*Bromus tectorum*); (58) Japanese sedge (*Carex kobomugi*); (59) reed
135 managrass (*Glyceria maxima*); (60) Canada bluegrass (*Poa compressa*);
136 and (61) tree of heaven (*Ailanthus altissima*).

137 (b) Notwithstanding the provisions of any ordinance adopted by a
138 municipality, no person shall move, except for eradication, research or
139 educational purposes, shall import, sell, purchase, transplant or
140 cultivate, except for research purposes, or shall distribute any
141 reproductive portion of any invasive plant listed in subsection (a) or (c)
142 of this section. For the purposes of this subsection, "reproductive
143 portion" includes, but is not limited to, seeds, flowers, roots and
144 tubers.

145 [(b)] (c) Notwithstanding the provisions of any ordinance adopted
146 by a municipality, on or after October 1, 2005, no person shall [import,]
147 move, except for eradication, research or educational purposes, shall
148 import, sell, purchase, transplant [,] or cultivate, except for research
149 purposes, or shall distribute any of the following invasive plants: (1)
150 Purple loosestrife (*Lythrum salicaria*); (2) forget-me-not (*Myosotis*

151 scorpioides); (3) Japanese honeysuckle (*Lonicera japonica*); (4)
152 goutweed (*Aegopodium podagraia*); (5) flowering rush (*Butomus*
153 *umbellatus*); (6) pond water-starwort (*Callitriche stagnalis*); (7)
154 European waterclover (*Marsilea quadrifolia*); (8) parrotfeather
155 (*Myriophyllum aquaticum*); (9) brittle water-nymph (*Najas minor*);
156 (10) American water lotus (*Nelumbo lutea*); (11) yellow floating heart
157 (*Nymphoides peltata*); (12) onerow yellowcress (*Rorippa microphylla*);
158 (13) watercress (*Rorippa nasturtium-aquaticum*), except for watercress
159 sold for human consumption without its reproductive structure; (14)
160 giant salvinia (*Salvinia molesta*); (15) yellow iris (*Iris pseudacorus*);
161 (16) [water lettuce (*Pistia stratiotes*); (17)] border privet (*Ligustrum*
162 *obtusifolium*); [(18)] (17) tatarian honeysuckle (*Lonicera tatarica*); [(19)]
163 (18) dwarf honeysuckle (*Lonicera xylosteum*); and [(20)] (19) garden
164 loosertrife (*Lysimachia vulgaris*).

165 [(c)] (d) From [June 26, 2003] July 1, 2009, until October 1, [2005]
166 2014, no municipality shall adopt any ordinance regarding the retail
167 sale or purchase of any invasive plant.

168 [(d)] (e) Any person who violates the provisions of this section shall
169 be fined not more than one hundred dollars per plant.

170 Sec. 4. Section 22a-381c of the general statutes is repealed and the
171 following is substituted in lieu thereof (*Effective July 1, 2009*):

172 No state agency, department or institution shall purchase any plant
173 listed as invasive or potentially invasive pursuant to section 22a-381b,
174 provided nothing in this section shall be construed to prohibit such
175 purchase if such purchase is necessary to honor a state contract in
176 effect as of the date any such plant is listed as invasive or potentially
177 invasive pursuant to section 22a-381b. Nothing in this section shall be
178 construed to prohibit any state agency, department or institution, or
179 the agents of such agency, department or institution, from transporting
180 any invasive or potentially invasive plant for educational, [or] research
181 or eradication purposes.

182 Sec. 5. Subsection (b) of section 51-164n of the general statutes is

183 repealed and the following is substituted in lieu thereof (*Effective July*
184 *1, 2009*):

185 (b) Notwithstanding any provision of the general statutes, any
186 person who is alleged to have committed (1) a violation under the
187 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
188 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-
189 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g,
190 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section
191 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-
192 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-
193 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-
194 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or
195 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,
196 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)
197 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,
198 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b
199 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-
200 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,
201 14-153 or 14-163b, a first violation as specified in subsection (f) of
202 section 14-164i, section 14-219 as specified in subsection (e) of said
203 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-
204 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,
205 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of
206 section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321,
207 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section
208 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256,
209 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h,
210 section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124,
211 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section
212 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a,
213 section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,
214 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,
215 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,
216 20-265 or 20-324e, subsection (a) of section 20-341, section 20-341l, 20-
217 597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-

218 76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37,
219 section 21a-46, 21a-61, 21a-63 or 21a-77, subsection (b) of section 21a-
220 79, section 21a-85, 21a-154, 21a-159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-
221 34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-
222 49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-
223 280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e)
224 of section 22-344, as amended by this act, section 22-359, 22-366, 22-391,
225 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-
226 250, subsection (e) of section 22a-256h, [subsection (a) of] section 22a-
227 381d, as amended by this act, [section] 22a-449, 22a-461, 23-37, 23-38,
228 23-46 or 23-61b, subsection (a) or (b) of section 23-65, section 25-37, 25-
229 40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64,
230 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-
231 141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109,
232 29-143o, 29-143z, 29-156a, subsection (b), (d), (e) or (g) of section 29-
233 161q, section 29-161y, 29-161z, 29-198, 29-210, 29-243, 29-277, 29-316,
234 29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13,
235 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38,
236 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54,
237 subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76,
238 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288,
239 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of
240 section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-
241 38gg, 46b-38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133, or section 53-212a,
242 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-
243 323, 53-331, 53-344 or 53-450, or (2) a violation under the provisions of
244 chapter 268, or (3) a violation of any regulation adopted in accordance
245 with the provisions of section 12-484, 12-487 or 13b-410, or (4) a
246 violation of any ordinance, regulation or bylaw of any town, city or
247 borough, except violations of building codes and the health code, for
248 which the penalty exceeds ninety dollars but does not exceed two
249 hundred fifty dollars, unless such town, city or borough has
250 established a payment and hearing procedure for such violation
251 pursuant to section 7-152c, shall follow the procedures set forth in this
252 section.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2009</i>	22-84
Sec. 2	<i>July 1, 2009</i>	22-344(e)
Sec. 3	<i>July 1, 2009</i>	22a-381d
Sec. 4	<i>July 1, 2009</i>	22a-381c
Sec. 5	<i>July 1, 2009</i>	51-164n(b)

ENV *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill prohibits municipalities from adopting certain ordinances regarding invasive plants, makes stipulations regarding movement of invasive plants, bans state agencies and other entities from purchasing invasive plants, and allows various state agencies to inspect nurseries and pet shops for invasive plants. There is no fiscal impact associated with these provisions.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5277*****AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE
INVASIVE PLANT COUNCIL*****SUMMARY:**

This bill prohibits, from July 1, 2009 to October 1, 2014, municipalities from adopting ordinances regulating the retail sale or purchase of invasive plants. It allows such plants to be moved for specific purposes and makes other changes in invasive plant laws.

EFFECTIVE DATE: July 1, 2009

BAN ON MUNICIPAL ORDINANCES

A ban on the adoption of municipal ordinances regulating the retail sale or purchase of invasive plants expired October 1, 2005. The bill reinstates this ban, starting July 1, 2009. The ban expires on October 1, 2014.

MOVING INVASIVE PLANTS

Current law bars people from importing, moving, selling, buying, transplanting, cultivating, or distributing any of 81 invasive plants. The bill removes water lettuce (*Pistia stratiotes*) from the list. It allows people to (1) move any of the remaining 80 plants for research, eradication, or educational purposes and (2) cultivate them only for research. It also bars anyone from moving (except for eradication, research, or educational purposes) importing, selling, transplanting, buying, cultivating (except for research purposes), or distributing any of the reproductive portions of a listed invasive species, including seeds, flowers, roots, and tubers, regardless of any municipal ordinance to the contrary.

By law, violators are subject to a fine of up to \$100 per plant.

Current law treats as an infraction violations of the invasive plant law with regard to plants listed as invasive before October 1, 2005. Under the bill, violations of the invasive plant law for plants listed as invasive on or after that date, as well as violations concerning the reproductive portions of any listed invasive plant, also are treated as infractions.

BAN ON STATE AGENCY PURCHASE OF INVASIVE PLANTS

The law prohibits state agencies, departments, and institutions from buying an invasive or potentially invasive plant, except to honor a state contract in effect when a plant is listed as invasive or potentially invasive. But state agencies may transport these plants for educational or research purposes. The bill allows these agencies also to transport the plants to eradicate them and allows agents of the agencies, departments, and institutions to transport the plants for education, research, and eradication.

INSPECTION FOR VIOLATIONS OF INVASIVE PLANT LAWS

By law, the director of the Connecticut Agricultural Experiment Station may prohibit or regulate the transportation of plants and plant material liable to carry dangerous pests and enforce other provisions of the law concerning plant and insect disease and infestation. The bill authorizes the director or his designee to inspect nurseries and nursery stock for violations of the invasive plant laws. The bill also authorizes the agriculture commissioner to inspect pet shops for violations of the invasive plant laws. By law, the commissioner may issue orders to correct unsatisfactory conditions.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 27 Nay 0 (03/06/2009)